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Letter dated 17 October 2007 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council

I have the honour to request that the attached copy of the report on the Africa Regional Meeting on Gender Justice (see annex) be circulated as a resource document of the Security Council in preparation for the upcoming open debate on resolution 1325 (2000) scheduled for 23 October 2007.

The Partners for Gender Justice Initiative is aimed at forging a more coordinated and integrated system of collaboration to assist national stakeholders in achieving gender justice in conflict-affected countries. Three conferences culminated in the creation of the Partners for Gender Justice Initiative, in which the Ministers of Justice of South Africa and Sweden were elected as Co-Chairs.

In partnership with the Partners for Gender Justice, the Government of South Africa hosted the Africa Regional Meeting on Gender Justice from 21 to 23 March 2007 in Cape Town. The purpose of the meeting was for Ministers and high-level government representatives to meet and share experiences and thoughts on how best to identify gaps, challenges and opportunities to further promote gender justice and the participation of women within the legal system. The Africa Regional Meeting was attended by representatives from 12 African countries, among them Angola, Burundi, Côte d'Ivoire, the Democratic Republic of the Congo, Liberia, Mozambique, Namibia, Rwanda, Sierra Leone and the Sudan.

In resolution 1325 (2000) the Security Council tasked the United Nations and its Member States to ensure that gender considerations are integrated into all aspects of the United Nations peace and security works, from conflict prevention to post-conflict reconstruction, including establishing and helping the development of the rule of law. In contributing to these efforts to accelerate the implementation of the objectives of Security Council resolution 1325 (2000), various conferences and high-level meetings organized by the United Nations Development Fund for Women and the International Legal Assistance Consortium have been held around the world.

Once again, my delegation would be grateful if the report on the Africa Regional Meeting on Gender Justice could be circulated as a document of the Security Council.

(*Signed*) Dumisani S. **Kumalo**
Ambassador and Permanent Representative
of the Republic of South Africa

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Annex to the letter dated 17 October 2007 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council

Report on the Africa Regional Meeting on Gender Justice: Advancing Gender Justice in Conflict-affected Countries, organized by the Ministry of Justice and Constitutional Development in cooperation with the Partners for Gender Justice

Cape Town, 21-23 March 2007

I. Background

1. Women in conflict-affected environments have exhibited tremendous strength, tenacity and commitment to promote rule of law and gender justice. This is the fourth in a series of conferences designed to provide a platform for the participants to illustrate not only the extreme challenges and daunting needs that women face in post-conflict countries but also the innovative and remarkable achievements women have made, often in the face of scarce resources and limited international support. But women can't do this alone. Cooperation and solidarity at the country, regional and international levels are vital to achieving gender justice: men with women; civil society with government; gender with justice; international with domestic. Best practices and solutions must be shared within and among conflict-affected countries; support and funding from the international community for these regional and country owned mechanisms is vital to achieving gender justice. The message is clear: women have waited long enough; the seeds have been planted, it is now time for these conferences and meetings to bear fruit.

2. Seven years ago, the United Nations adopted Security Council resolution 1325 (2000), highlighting the need to mainstream gender justice and gender equality in conflict prevention, conflict resolution and peacebuilding processes. Resolution 1325 tasked the United Nations system and its member states to ensure that gender considerations are integrated into all aspects of the United Nations peace and security works from conflict prevention to post-conflict reconstruction, including establishing and helping the development of the rule of law. It further called for an Experts' assessment of the impact of armed conflict on women and girls, the role of women in peacebuilding, and the gender dimensions of peace processes and conflict resolution. This assessment focused on 10 central themes; regarding the "justice" theme, the Independent Expert's concluded that women must have full and equal access to rule of law. In response to the Independent Expert's assessment on Justice, a Conference on Gender Justice in Post-Conflict Situations, with the theme *Peace Needs Women and Women Need Justice*, co-organized by the United Nations Development Fund for Women (UNIFEM) and the International Legal Assistance Consortium (ILAC) was held in 2004 in New York. The report of the New York Conference was issued as official United Nations document S/2204/862.

3. The NY Conference brought together women from over 12 conflict-affected countries and regions to examine whether the gender aims of resolution 1325 were being implemented in national and international justice related activities undertaken in post-conflict societies; these women, along with senior United Nations officials,

Permanent Representatives from Member States, regional organizations, non-governmental organizations, and academic institutions identified challenges and priorities as well as good practices and recommendations in several identified areas. At the end of the New York Conference, the Partners for Gender Justice initiative was launched to further the gender justice agenda and forge "gender justice partnerships" in the context of post-conflict peacebuilding.

4. In 2005 a follow up High-level Meeting, "Building partnerships for promoting gender justice in conflict-affected countries" organized by the Swedish Ministry for Foreign Affairs, with cooperation from UNIFEM and ILAC, was held in Stockholm. A report of the meeting was issued as United Nations document A/60/444-S/2005/669. This meeting brought together key partners within the United Nations system; Member States, including national women stakeholders (primarily at the ministerial level); international financial institutions; and non-governmental organizations to focus on prioritizing the recommendations that emanated from the NY Conference and how these gender justice requirements, within the context of rule of law and post-conflict peacebuilding, could best be operationalized in such settings. It was agreed that the Partners for Gender Justice, created to form a more coordinated and integrated system of collaboration to assist national stakeholders in achieving gender justice in post-conflict societies, would be initially chaired by Sweden and South Africa, with support from UNIFEM and ILAC.

5. In 2006, the Liberian Ministry of Justice and Ministry of Gender and Development, with support from the Partners for Gender Justice hosted a High-level Meeting in Monrovia: "Gender justice in Liberia: the way forward". A report of the meeting was issued as United Nations document A/61/541-S/2006/548. This meeting brought together high-ranking government officials from the region, donors, NGOs, civil society, and the United Nations Mission in Liberia with the Liberian Ministers of Justice and Gender and Development. At this meeting the Minister of Justice and Minister of Gender and Development agreed to work together to create a strategic plan of action to combat gender-based violence in Liberia. A significant result of the conference was the Ministers' dedication to continuing collaboration to ensure close cooperation between their Ministries and complimentary programmes that support the strategic action plan.

Africa Regional Meeting

6. On 21-23 March 2007, a High-level Meeting organized by the South African Ministry of Justice and Constitutional Development in cooperation with the Partners for Gender Justice, "Advancing gender justice in conflict-affected countries" took place in Cape Town. This meeting focused on three priorities: joining gender and justice, strengthening regional cooperation and identifying best practices. Ministries of Justice and Ministries of Gender from 12 conflict-affected African countries came together with national stakeholders from South Africa, including high-level government representatives, NGOs, civil society, academics, and rural women to share experiences and thoughts on how best to identify gaps, challenges and opportunities to further promote gender justice and the participation of women within Africa. The meeting was designed to facilitate among the participants open and constructive discussions that would build on the findings and recommendations of the previous gender justice conferences and result in concrete and achievable outcomes.

7. The Africa Regional Meeting began on National Human Rights Day with an inspirational trip to Robben Island. The tour was led by Mr. Ahmed Kathrada, a former political prisoner held on Robben Island alongside Nelson Mandela for 26 years. Later the same evening the participants gathered for a reception to open the meeting and listen to the Honourable B. Mbete, Speaker of the National Assembly: Parliament of the Republic of South Africa. Mrs. Mbete reminded the participants of the 50th anniversary of the Women's March, a day in 1956 when thousands of women from all over South Africa, representing all racial groups and classes marched in Pretoria to demonstrate their resentment of apartheid laws. South Africans commemorate the Women's March as a reminder of the contribution made by women to society, the achievements that have been made for women's rights, and to acknowledge the difficulties and prejudices many women still face. The visit to Robben Island on National Human Rights Day and the anniversary of the Women's March, both poignant examples of the power of solidarity and the possibility for change, set the tone for the meeting that followed.

8. Ms. B. S. Mabandla MP, Minister for Justice and Constitutional Development, Republic of South Africa opened the conference by urging the participants to:

> Exploit this opportunity fully to meet and share experiences and thoughts on how best to identify gaps, challenges and opportunities to further promote gender justice and the participation of women in our legal systems, as well as ensure the involvement of women in all aspects of democratic life ... I am hopeful that in the course of our deliberations we will identify concrete areas of cooperation. And I am resolute in my belief that the people, especially women living in communities torn by conflict and violence are our best teachers in moving forward.

9. In her comment, Ms. Cecilia Wickström, Special Representative to the Swedish Minister of International Development Cooperation pointed out that:

> It is important that international agencies and organizations continue to work in synergy with each other and with national governments to promote women's participation in all aspects of society. I hope that this meeting will also result in guidance for how the Partners for Gender Justice can support the efforts of solidarity and cooperation in the area of gender justice.

10. To facilitate discussions at the Meeting, all speakers and participants were provided with copies of the New York Conference Report, Stockholm Meeting Report and Liberia Meeting Report, as well as the Concept Note for the meeting. While many of the challenges and issues discussed at this Cape Town Meeting are the same as those raised in the earlier conferences, the focus here was on practical proposals and recommendations to promote gender justice in Africa as well as highlighting the existing mechanisms and tools available within Africa. For organizational purposes only, the Rapporteur has made an attempt to arrange the issues under each of the four general discussion themes identified in the Concept Note: mainstreaming; advocacy for women and access to justice; law reform; and best practices in gender justice. The presentations at the Meeting were not always confined to the general themes and certain topics, such as capacity-building and training, are cross-cutting and applicable to more than one theme. The Cape Town Meeting outcomes and recommendations are presented at the end of the report.

11. The Meeting overview presented in this report draws liberally from the moving presentations, discussions and comments from the Africa Regional Meeting and endeavours to portray the vibrant atmosphere in which the meeting took place. Reflecting the solidarity and synergy of the participants, the recommendations and outcomes below are not given individual attribution but attempt to reflect the views and opinions presented at the Africa Regional Meeting.

The Rapporteur for the Africa Regional Meeting was Ms. Shelby R Quast.[1]

II. Introduction

12. In the context of "gender justice" the emphasis on gender is intended to ensure that women are not excluded from the protections and rights afforded to the people of a society and that women, as well as men, can participate in and have access to, not only formally but in practice, the judicial sector. Gender equality is not only about men and women being treated equally but about men and women enjoying the same rights and opportunities. Gender equality is about non-discrimination; it is not only a women's issue, it is a societal issue. Gender justice is not only about women's rights, it is about human rights. The needs and rights of women must be highlighted and woven into the fabric of rule of law at the earliest possible stage; continuing efforts regarding gender justice must be part of the fibre of rule of law, not an afterthought or a detached, stand alone issue.

13. The African countries that participated in the conference were Angola, Burundi, Côte d'Ivoire, Democratic Republic of Congo, Liberia, Mozambique, Namibia, Rwanda, Sierra Leone, South Africa, Southern Sudan and Sudan. The rich statements of the Ministers regarding the status of gender justice in their countries revealed that governments have taken up the challenge and adopted several measures to ensure the elimination of discrimination against women; however, these presentations also confirm that priorities and challenges still remain. These countries are at various stages of development, transition and progress with some countries reporting success where others face challenge; the powerful presentations brought to light that each country, despite its stage of development or reconstruction, has gained practical experience and insight. It is widely accepted that the post-conflict imperative for national renewal and transformation is a window of opportunity to improve gender justice. How can women and governments struggling to effect change draw on the rich experience of national stakeholders from countries that have been through transition, who have been up against all odds and despite those odds have implemented widespread changes in their own countries? The Ministers present were inspired to come together to share their experience, listen to the experiences of others and explore how to effectively promote gender justice.

14. The Meeting discussions went beyond promoting gender justice in individual countries to promoting gender justice in the greater continent of Africa. The participants encouraged international, regional and local strategies to work in synergy, where the combined affect is greater than the sum of their individual

[1] Ms. Shelby R. Quast is the Director General of the US office of the International Legal Assistance Consortium (ILAC). She is also an adjunct professor at the Catholic University Law School and the American University School for International Service.

affects; they endorsed identifying and making the most of the tools and mechanisms that exist within Africa and effectively using them to strengthen parallel regional and local efforts to promote gender justice. The participants advocated for solidarity and collaboration within and among countries, including the exchange of practical experience, not only at the ministerial level but among non-governmental organizations, civil society and grass roots.

III. Mainstreaming gender in the broader context of a country's national development strategy

15. Mainstreaming gender in the broader context of a country's national development plan is a long-term effort. The continuing gender mainstreaming efforts in Sweden reminded participants that equality and non-discrimination are issues that must be repeated year after year, in developed as well as post-conflict environments. To be sustainable, gender mainstreaming efforts should be structured, based on a plan of action that originates from research-based knowledge. This type of plan requires political will, commitment, and resources as well as the support of vigilant leaders. Women cannot do this alone. Men and women must form an effective partnership and work together for justice, applicable equally to all.

Structure

16. Gender equality and mainstreaming are issues that require knowledge. Thorough research is necessary to understand the specific situation in a given country, region or county, including the impact of domestic laws and applicable international standards and instruments. Comprehending the underlying causes and effects of gender-based discrimination, violence and conflict is critical to shaping an effective strategy to address gender inequalities. Ongoing identification of what the former Swedish State Secretary for Gender within the Ministry for Justice referred to as the "three Rs": reality (the situation among men and women), representation (percentage representation among men and women), and resources (how are they distributed among men and women) can allow for continuing analysis of the situation, which can then feed into a national strategy and plan of action. Projects, special measures and positive actions continue to be important instruments in the struggle for gender equality, but special measures should build on a well grounded analysis of the condition of men and women. Mainstreaming and special measures go hand in hand; mainstreaming is necessary to know what kinds of actions are needed; the aim of both should be to accomplish sustainable change in society and structures.

Knowledge/Training

17. The role of national stakeholders, including government actors, must be clearly defined. It is vital for key management and staff to know and be aware of the issues, laws and obligations regarding gender justice. Ongoing training should be provided to all key actors, including Ministers, so that they understand not only the issues and their own responsibilities under the national strategy for gender justice but *how* to put this in practice. To be significant, this strategy has to be part of the daily decision process among Ministers, staff and ordinary citizens.

18. There is now a new generation of women leaders in Africa. Liberia boasts Africa's first woman President; Rwanda leads the world with 49 per cent women in Parliament and there are numerous women Vice Presidents, Ministers, Chiefs and other high-level policy makers. Considering the international and regional instruments and domestic legislations that call for increased participation by women at decision making levels, women leaders will only increase. These quotas are central to placing women in key positions but continuing support is crucial; women in these positions must be empowered with the tools and technical training necessary for them to perform their jobs effectively and make a qualitative difference through their intervention and understanding. Women in Parliament, for example, can be provided technical assistance with regard to the issues and trained in effective research, debate and legal drafting techniques. Women in positions of power are not only mentors but are paving the way forward for future leaders and gender equality; it is essential these women receive local, regional and international support.

Leading the charge

19. Political will and the commitment of government are fundamental to promoting gender justice in post-conflict environments. Several Ministers remarked that it is effective to have a high-level agency or ministry spearheading and implementing a national plan of action. It is essential that the agency or ministry receive the resources, training and funding necessary to do its job; it can also be quite effectual when the agency has the authority to compel parties to fulfil their obligations. But gender justice cannot be achieved by the efforts of gender ministries alone. It is fundamental that stakeholders within the judicial and security sectors including inter alia the judiciary, ministries, police, corrections, and non-governmental organizations, support and implement the strategy for gender justice; nevertheless, as several ministers observed, cooperation can be rather complex and is often difficult to facilitate.

IV. Law reform and other mechanisms for entrenching gender justice

20. Several countries, including Namibia, Liberia, Angola and South Africa shared examples of new laws promoting gender justice. These laws involving rape, gender-based violence, inheritance, property, and marriage were passed during the transition from conflict. But the gap between international standards and national laws on issues pertaining to gender justice remains wide in many conflict-affected countries in Africa. The peace process typically affords an opportunity to review a country's constitution and laws. One of areas under review is often compliance with international law and regional standards and obligations, including, inter alia, Security Council resolution 1325 (2000), the Convention on the Elimination of Discrimination against Women, African Charter on Human and Peoples' Rights, the African Charter on Human and Peoples' Rights and the Protocol to the African Charter on Human and Peoples' Rights on Rights of Women in Africa.

National constitutions as a solid foundation for law reform

21. A country's constitution provides the foundation for non-discrimination and the protection of human rights. A constitution that prohibits discrimination, reflects human rights standards, protects rights and creates equal opportunities for all and

clearly states that no law shall include any provision that is discriminatory in itself or its application is a solid footing on which to base law reform and promote gender justice. A thorough review of laws and policies is essential to determine if any laws violate the constitution or are not in compliance with international and regional human rights standards and applicable obligations.

Customary and traditional laws

22. Even where there is political will and a commitment to constitutional and legal reforms that reflect international and regional standards, many women still live under a parallel system. The reality is that equality and human rights protections provided for under the formal legal system are elusive to the majority of women in Africa, particularly rural women. Even where a statutory law clearly provides for equality of status, customary law (or the local version of Sharia law) often maintains and enforces women's inferiority. It is not an uncommon practice for women to be treated as legal minors that cannot vote, inherit property or own land. Rather than owning property, women are often included in the property which is owned by men. Nearly every country expressed the need for a full review of customary or traditional laws and an evaluation of how these laws and practices affect women. This remains an enormous challenge for most countries in Africa. It is much more than just reforming discriminatory laws, it is reforming attitudes and practices. Programmes that allow for open discussions regarding these practices can help sensitize the public as to what is tradition and what is discrimination. But women can't do this alone: men and boys must be partners in the movement for human rights protections and advocates for equality.

23. International law, human rights standards and law reform are fundamental benchmarks but do not by themselves ensure gender justice or protection against discrimination. There must be effective policies for implementation and a developed infrastructure. South Africa pointed out that it has everything in place: constitution; laws; justice system; economics; affirmative action; equal opportunities but it still faces infrastructure challenges for gender justice: the police force is not trained; traditional systems compete with constitutional laws; literacy levels are low; logistical difficulties prevent access to justice (for example, women who can't go to court because they do not have child care or transportation).

24. Even the most comprehensive laws are not effective if those responsible for interpreting them do not fully understand the laws or how they are applied in practice. The criminal justice system is critical to the overall development process; if the criminal justice system does not support gender justice, women will not have access to justice. Judges, prosecutors, defence counsel, court personnel, private lawyers, police, corrections offices, etc. must all be educated in domestic laws, human rights instruments and international standards and obligations and how these instruments are practically applied. Specialized training in gender sensitivity for rape and crimes involving sexual based violence can make a tremendous difference. The judicial sector must be part of any national plan of action for gender justice.

25. Law reform efforts, benchmarks, quotas and training programmes that take a top down approach are vital to a nation's strategy for gender justice but government programmes are not enough. An expressive analogy was made at the conference: for African women to enjoy the dance the entire body must shake. In a top down approach to gender justice the head is shaking but the body is still. When the head is

the only thing shaking and the rest of the body is still then you are not doing anything, you are not dancing. We must involve women at the grass roots so that the body can shake. Advocacy, education and training must also take a bottom up approach, only when the head and body are shaking can we enjoy the dance.

V. Advocacy for women and access to justice

26. If gender justice is to be sustainable it needs advocates. Gender justice needs advocates that put in plain words why and how equality for women is a human rights issue that affects society and not just women. It needs advocates at the international, regional and local levels that engage government, non-governmental organizations, civil society and grass roots, who will then promote gender justice in their own circles. It needs advocates that encourage solidarity for gender justice within Africa, at the state and regional level. It needs advocates that promote access to justice in practical and plain terms in ways that impact the daily lives of women. It needs men, boys, women and girls to stand together for non-discrimination and equal participation in and access to justice.

27. Public awareness and education on the human rights of women is indispensable, as is strengthening advocacy skills in this area. Informing women of their rights as provided under domestic laws, regional instruments and international law and standards is extremely important. But it is almost meaningless if women do not know how to utilize this information. Women must be informed not only about their rights but how, in the most practical and basic terms, to assert their rights and seek access to justice when those rights are violated. Public outreach campaigns while focusing on women must also reach community leaders, men and government functionaries. The Meeting participants highlighted the necessity of outreach programmes communicating the message in a manner which is applicable and easily understood by the target audience. This is particularly important in rural areas where the literacy rates can be low and many dialects spoken. But it is equally important to tailor the message when trying to reach government and regional actors as well.

28. Informing women of their rights and how to assert those rights is fundamental to gender justice. But in reality, if women are to claim their rights the structures must be in place that will enable them to, in fact, have access to justice. Women's access to justice and participation in the judicial sector cannot be limited to the cities but must also reach the rural areas, where customary laws and practices may be entrenched, transportation may be difficult and the judiciary and police may be limited, at best. Gender justice must be part of a country's overall development strategy that includes all relevant actors within the judicial sector.

Champions for advocacy

29. Gender justice needs champions from the top down and the bottom up. If Parliament and the Government are to take the issue seriously, the government champion must be at a very high level. For example, South Africa's Commission for Gender Equality (CGE) is an independent body, whose mandate, to promote the protection of gender equality and monitor and evaluate organs of state, is taken directly from equality clause in the Constitution. The CGE is part of the national machinery and mainstreaming strategy; it has the power to subpoena and serve documents and is accountable to the National Assembly. It has a public education

and awareness unit and an office in each province; civil society participates in the nomination of candidates to the CGE. While gender ministries and commissions can be powerful advocates for gender justice, they can not do it alone. If gender justice is to be sustainable, Ministries of Justice and the Judiciary must be part of the strategy. Several Ministers of Justice at the Meeting, many of them men, made powerful statements regarding women's equality and the need to work together.

30. Non-governmental organizations have been long time champions for women's equality: monitoring government activities, reporting violations, campaigning for change and providing assistance directly to women. The message at this Meeting was clear: NGOs must have a seat at the table with regard to gender justice strategies. NGOs can be a critical link between the government and grass roots. An NGO that has been quite successful in moving forward the agenda for non-discrimination and equality is South African Women in Dialogue. Part of their success is the solidarity among women: "we are black and white; rich and poor; educated and uneducated — we are women from all over South Africa working together". The participants urged solidarity not only among women but together with men, in both public and private life.

31. Champions are also needed at the regional level. The participants made an appeal for solidarity within the African continent. They called for a common vision for gender justice and equality in Africa: common terms, harmonious legislation that addresses the same issues, and strengthened capacity of the criminal justice systems. There was a call for more effective utilization of existing mechanisms in Africa including, inter alia, the African Peer Review Mechanism, the Protocol to the African Charter of Human and Peoples' Rights on the Rights of Women in Africa, the South African Task Force on Gender and Peacekeeping, that encourage countries (governments, NGOs and grass roots) to work in synergy in promoting gender equality and gender justice throughout the African continent.

32. Gender justice champions are also needed at the international level. The role of the United Nations was, as in the previous conferences and meetings, identified as critical to advancing gender justice in post-conflict situations; encouraging, promoting and supporting women's participation in the judicial sector as well as access to justice, from the initial phases of the peace process through reconstruction and development efforts. Women serving in UN missions and peacekeeping efforts are important mentors and can be essential role models as post-conflict countries emerge from war and begin the reconstruction process. The reports of the New York Conference on Gender Justice, the Stockholm Meeting and the Liberia Meeting were each submitted to the Secretary-General and issued as official UN documents. The issues raised in these reports, including how the United Nations can incorporate Security Council resolution 1325 (2000) into peacekeeping missions with particular regard to issues of gender justice, have yet to be debated within the United Nations.

Practical access to justice

33. Even women who are aware of their rights do not always assert them. Judicial systems in conflict-affected environments are traditionally complex with numerous technical requirements and little empathy from the police or courts for the injured party, often resulting in a form of secondary victimization, particularly in cases of rape or sexual based violence. Many women have no confidence in the judicial system and do not even attempt to access it. There is an urgent need to simplify the

process and make justice more accessible to women. In an attempt to address these issues, South Africa introduced Sexual Offences Courts and Thuthuzela care centres. In Sexual Offences Courts the personnel have all been specifically trained to deal with sexual offences. After introducing these courts, conviction rates for rape improved from 48 per cent to 64 per cent. Thuthuzela, or comfort, centres are attached to these courts and serve as a one stop service for rape victims, including, inter alia, medical and health facilities, a police unit, and court personnel. These centres allow for improved management of rape cases; conviction rates have increased to 75-95 per cent and the typical case is now resolved within six months from the date of the first report. Prior to these care centres case resolution took on average between 18 months to 2 years. South Africa encouraged those countries present to visit the sexual offence courts and Thuthuzela models.

Education

34. One of the most basic ways to introduce the concepts of equality and human rights to young girls and boys is to teach and reinforce these subjects in school. All of the Meeting participants recognized the importance of educating the girl child, along with boys. But due to a high incidence of poverty in many African countries, families in rural areas often send boys to school but keep girls home. This has resulted in a very low percentage of educated women as compared to men and contributes to low literacy rates. To combat this pattern, the government in Sierra Leone has embarked on a Sababu Education project, which not only funds girls' education but provides books, uniforms and other relevant school materials for girls who pass a primary school examination. The project funds girls' education from primary school through the first three years of junior secondary school.

VI. Best practices
Gender justice studies in conflict-affected countries and regional tools

35. There has been much discussion about how women and governments can benefit from the experience of others and how this experience can best be shared. These rich presentations and moving discussion brought to light many examples of local, regional and international practices, tools and mechanisms. The participants at the Meeting came to learn about the situation in other countries as well as share their own experiences. Of course, what works in one country or region may fail to work in another setting. However, countries in Africa that are facing similar challenges in gender justice as they move out of conflict may benefit greatly from the synergy and collaboration within the region.

Best practices study

36. At the 2005 Stockholm Meeting the Haitian Minister of Women's Affairs and Women's Rights appealed to the Partners for Gender Justice to identify best practices in four specific areas: domestic violence/rape; determination of paternity; customary unions, and termination of pregnancy. In response to her request, the Raoul Wallenberg Institute for Human Rights and Humanitarian Law compiled a study on practices within the specified areas. An overview of the detailed report: Gender Justice — Best Practices, was presented at the Cape Town Meeting.

37. The best practices contained in the report offer a broad spectrum of possible legal solutions within the specific field, all which comply with international human rights standards. The methodology used in the study for evaluating a law is intended to give the reader an indication of how effective the law really is, in practice. In the report, a best practice is comprised of three components: law, policy and reality. The technical law cannot stand on its own as a best practice but must be accompanied by government or state policies for implementation and the effect of such implementation in the society. A legal statute can be quite good but if it is not properly implemented it remains only a declaration. Another factor vital to the success of a legal reform is the context in which it operates. What is working in one country may fail to work in another setting, due to, for example, cultural differences, the structure of the society and the availability of resources. Likewise, a practice that works well for one particular group may not work at all for other groups. A full copy of the report will be made available to all participants in June 2007 on the ILAC website: www.ilac.se.

Regional tools/mechanisms

38. These Meetings brought to light the many tools that exist and were developed within Africa and the region that could be better utilized to effect change and promote gender justice. However, many participants were unaware of these mechanisms, did not understand their practical value or were unclear on how the tools could be applied to support gender equality and access to justice in their countries. Many of these tools/mechanisms identify obligations and commitments to gender justice for which Governments may be held accountable.

39. Several regional mechanisms introduced at the Meeting originate with the 53 member states of the African Union (AU). The AU supports a common vision of a united and strong Africa and the need to build partnerships between governments and all segments of civil society, in particular women, youth and the private sector, in order to strengthen solidarity and cohesion amongst the peoples of Africa.

The African Charter on Human and Peoples' Rights (1986)

40. The African Charter on Human and Peoples' Rights enshrines the principle of non-discrimination on the grounds of race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status calls on all States Parties to eliminate every discrimination against women and to ensure the protection of the rights of women as stipulated in international declarations and conventions.

Protocol to the African Charter of Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights

41. The Court's jurisdiction extends to all cases and disputes submitted to it concerning the interpretation and application of the Charter, including the Protocol on Rights of Women and any other relevant Human Rights instrument ratified by the States concerned.

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003)

42. The Protocol on Women was adopted to address the discrimination and harmful practices still faced by women in Africa, despite the ratification of the African Charter on Human and Peoples' Rights and other international human rights instruments by the majority of State Parties, and their solemn commitment to eliminate all forms of discrimination and harmful practices against women. The Protocol on Women, adopted by the African Union in 2003, encompasses the following areas: Elimination of Discrimination Against Women; Right to Dignity; The Rights to Life, Integrity and Security of the Person; Elimination of Harmful Practices; Marriage; Separation, Divorce and Annulment of Marriage; Access to Justice and Equal Protection before the Law; Right to Participation in the Political and Decision-Making Process; Right to Peace; Protection of Women in Armed Conflicts; Right to Education and Training; Economic and Social Welfare Rights; Health and Reproductive Rights; Right to Food Security; Right to Adequate Housing; Right to Positive Cultural Context; Right to a Healthy and Sustainable Environment; Right to Sustainable Development; Widows' Rights; Right to Inheritance; Special Protection of Elderly Women; Special Protection of Women with Disabilities; Special Protection of Women in Distress; Remedies; Implementation and Monitoring. The Protocol has been signed by 43 states and ratified by 20.

New Partnership for Africa's Development (2001)

43. The New Partnership for Africa's Development (NEPAD) is designed to address the current challenges facing the African continent. NEPAD was spearheaded by African leaders to develop a new vision that would guarantee Africa's renewal. One of the primary objectives of NEPAD is to accelerate the empowerment of women.

African Peer Review Mechanism

44. The African Peer Review Mechanism (APRM) is a tool of NEPAD, designed and implemented by Africans for Africa. The APRM is a mutually agreed instrument voluntarily acceded to by the Member States of the African Union as an African self-monitoring mechanism. The APRM's mandate is to ensure that the policies and practices of participating countries conform to universal and African values, including the promotion of gender equality and the promotion and protection of women's rights. The APRM is a process of periodic reviews of the policies and practices of participating countries to ascertain progress being made towards achieving the mutually agreed goals and compliance in four focus areas, Democracy and Political Governance, Economic Governance and Management, Corporate Governance, and Socio-Economic Development. The APRM process is designed to be open and participatory, with interaction between government and civil society. There are currently 27 countries participating in the APRM process. Ghana, Rwanda, Kenya, and South Africa have completed the APRM process.

The Solemn Declaration on Gender Equality in Africa (2007)

45. The Solemn Declaration on Gender Equality in Africa (SDGEA) is an African instrument for promoting gender equality and women's empowerment; it is intended

to strengthen African ownership of the gender equality agenda and keeps the issues alive at the highest political level in Africa. Through the Declaration, Heads of State and Government commit themselves to report annually on progress towards gender equality.

Southern African Development Community Declaration on Gender and Development (1997)

46. The Southern African Development Community (SADC) consisting of 15 member states in southern Africa issued a declaration on Gender and Development. In this declaration, the SADC heads of state committed themselves and their respective countries to inter alia: placing gender firmly on the agenda of the SADC Programme of Action and Community Building Initiative; ensuring the equal representation of women and men in the decision-making of member states and SADC structures at all levels, and the achievement of at least 30 per cent target of women in political and decision-making structures by year 2005; promoting women's full access to, and control over productive resources such as land, livestock, markets, credit, modern technology, formal employment, and a good quality of life in order to reduce the level of poverty among women; repealing and reforming all laws, amending constitutions and changing social practices which will still subject women to discrimination, and enacting empowering gender-sensitive laws; enhancing access to quality education by women and men, and removing gender stereotyping in the curriculum, career choices and professions; making quality reproductive and other health services more accessible to women and men; protecting and promoting the human rights of women and children; recognising, protecting and promoting the reproductive and sexual rights of women and the girl child; taking urgent measures to prevent and deal with the increasing levels of violence against women and children; encouraging the mass media to disseminate information and materials in respect of the human rights of women and children.

South African Task Force on Gender and Peacekeeping (2007)

47. A report of the Strategy Workshop with Women's Constituencies from Troop and Police Contributing Countries, Pretoria 7-9 February 2007 given at the Meeting announced that South Africa would be one of four pilot countries selected to develop a National Plan of Action for the Implementation of Security Council resolution 1325. This Plan of Action, to be developed by an inter-ministerial task force on gender and peacekeeping, will include: a comprehensive review of national defence and security sector policies to ensure alignment with global and national commitments to gender quality, and to identify gaps and entry points for enhanced gender mainstreaming and participation of women in peacekeeping; establish Gender Units or Gender Champions at senior levels within the ministries of defence and interior, to support amongst others, the recruitments and deployment of women to peacekeeping; strengthen collection of sex-disaggregated data and gender statistics, to inform national policymaking; monitoring and accountability mechanism to track implementation of the National Action Plan, to the extent possible building on mechanisms already in place; and adequate resources, both human and financial, to ensure implementation of these policies, including the use of gender-responsive budgets in the security sector. It is envisaged that development of the pilot National Plans of Action will enable lessons learned and good practices to be documented and shared systematically with other countries.

Wheelbarrows

48. Sometimes it is the little things that make a difference; acts that don't require a consultancy or large amounts of funding but nonetheless impact the daily lives of women. Small programmes, such as a day care cooperative that allows women to attend class or go to court; travelling to the rural areas to meet and talk with women; or on-going dialogues with traditional community leaders can have a large impact. One Minister made the analogy of people moving, struggling to take with them only the possessions they could carry in their arms. But one person, finding an old wheelbarrow behind the house, was able to efficiently transport her small children and possessions and still have the energy to help others. What "wheelbarrows" are women using in their countries; how are they taking control of their situation and effecting change on a very practical level? And how can these "wheelbarrows" be shared with other women in similar situations?

Outcomes

1. The Cape Town Meeting Participants agreed to issue a request to the Secretary-General of the United Nations to call for a "thematic debate" in the UN Security Council in order to discuss the issues of gender justice in the context of peacekeeping and post-conflict reconstruction as detailed in the report of the Conference on Gender Justice in Post-Conflict Situations, with the theme *Peace Needs Women and Women Need Justice*, co-organized by the United Nations Development Fund for Women (UNIFEM) and the International Legal Assistance Consortium (ILAC), 18-22 September 2004 in New York, delivered to the UN Secretary-General and issued as UN document S/2004/862; the report of the High-level Meeting, "Building partnerships for promoting gender justice in conflict-affected countries" organized by the Swedish Ministry for Foreign Affairs, with cooperation from UNIFEM and ILAC, Stockholm 2005, delivered to the UN Secretary-General and issued as UN document A/60/444-S/2005/669; and the report of the High-level Meeting in Monrovia: "Gender justice in Liberia: the way forward" organized by the Liberian Ministry of Justice and Ministry of Gender and Development, with support from the Partners for Gender Justice, delivered to the UN Secretary-General and issued UN document A/61/541-S/2006/548.

2. The Ministers at the Cape Town Meeting agreed to immediately constitute and be members of a Task Team. The Task Team commits to examine local measures and identify "wheelbarrows" within their country that promote gender justice. The members of the Task Team further agreed to distribute their findings among the Task Team. The Task Team will be spearheaded by the Ministry of Gender in Sierra Leone, with support from participating NGOs and organizations, such as ILAC and UNIFEM.

3. It was agreed that the Partners for Gender Justice will discuss how best to facilitate the exchange of gender justice expertise and experiences within and among conflict-affected countries in Africa, such as a website to identifying the various tools and how they can best be utilized.

4. It was agreed that the South African Ministry of Justice and Constitutional Development would look into how the effective work of the South Africa Women in Dialogue could serve as a model to help mobilize women in other countries within Africa.

5. The conference ended with a declaration in regard to Darfur. The Declaration was unanimously adopted by the Cape Town Meeting participants, including Ministers and high-level representatives from Ministries of Gender and Justice in Angola, Burundi, Côte d'Ivoire, Democratic Republic of Congo, Liberia, Mozambique, Namibia, Sierra Leone, South Africa, Southern Sudan, Sweden and Sudan:

Acknowledging the fact that the Republic of Sudan has signed the peace agreement since 2005, and recognizing that women and girls continue to experience mass violations of their human rights and in solidarity with the suffering women of Sudan in general and in Darfur in particular, the participants of the gender justice conference in Cape Town urges the Government of National Unity of Sudan and appeals to allow access for humanitarian actors.

Recommendations

1. The Task Team create an informal "score card" as a tool for the Africa Regional Meeting participants to identify the current status of gender justice in their countries and to measure against the status of gender justice in their countries at the next conference.

2. The participating ministries, in collaboration with women's NGOs and others as appropriate, in each country advocate for parliamentary debate on Security Council resolution 1325 (2000), and request that Parliament place monitoring of compliance with the resolution on their agenda.

3. The participants advocate for and provide, where appropriate, increased support, tools and technical training for women in decision making positions is needed to empower them to perform their jobs effectively and make a qualitative difference through their intervention and understanding.

4. The participants advocate and provide support, where appropriate, for specialized training in domestic laws, human rights instruments and international law standards, including gender sensitivity for rape and crimes involving sexual based violence which is essential for all actors within the judicial sector: judges, prosecutors, defence council, court personnel, police, corrections, etc.

5. The participants advocate for and support a common vision for gender justice and equality in Africa: common definitions, harmonious legislation that addresses the same issues, and strengthened capacity of the criminal justice systems.

6. The participants advocate for and support more effective utilization of existing mechanisms in Africa including, inter alia, the African Peer Review Mechanism, the Protocol to the African Charter of Human and Peoples' Rights on the Rights of Women in Africa, the South African Task Force on Gender and Peacekeeping, that encourage countries (governments, NGOs and grass roots) to work in synergy in promoting gender equality and gender justice throughout the Africa.

7. The participants advocate and provide support, where appropriate, for the development of a mechanism which identifies the international and regional instruments and explains, in practical terms, how each can be used in promoting gender justice should be developed and made widely available throughout Africa.

8. The participants advocate and provide support, where appropriate, for a thorough study of customary or traditional laws throughout Africa that reviews compliance with international standards and evaluates how these laws and practices affect women should be undertaken by international and national experts.

9. The participants advocate for increased international support for outreach programmes that not only inform women of their rights but also explain how, in very basic and detailed terms, women can assert these rights.

10. The participants advocate for an increased representation of women in peacekeeping operations and UN missions to serve as role models and mentors to local women and promote opportunities for women to serve in law enforcement and defence in their own countries.

11. Widely disseminate the report, Gender Justice — Best Practices, compiled by the Raoul Wallenberg Institute for Human Rights and Humanitarian Law and expand it to include additional laws and best practices that impact gender justice.

Partners for Gender Justice

1. The Partners for Gender Justice should hold biannual meetings on Gender Justice. The agenda for the next meeting should be set and distributed well in advance so the participants can have time to properly prepare. The role of the judiciary in promoting gender justice should be included in the next meeting agenda.

2. The Partners for Gender Justice should facilitate the exchange of gender justice expertise and experiences within and among conflict-affected countries in Africa.

3. The Partners for Gender Justice should advocate for funding for gender justice programmes in conflict-affected countries as well as emphasize the importance that any gender justice strategy and process be locally owned and tailored to fit the specific situation. It is vital that all programmes support the national strategy and be coordinated locally.

4. The Partners for Gender Justice should actively advocate for increased international support so that women can *understand* their rights and how, in practical terms, to assert these rights.

5. The Partners for Gender Justice should create a website that highlights the various international, regional and national tools that support gender justice and explains, in practical terms, how each can be used in promoting gender justice.